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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,510

07/24/2006

Hans Sigrist

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7938

61263

7590

11/03/2008

PROSKAUER ROSE LLP

1001 PENNSYLVANIA AVE, N.W.,

SUITE 400 SOUTH

WASHINGTON, DC 20004

EXAMINER

CHRISS, JENNIFER A

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/569,510

**Applicant(s)**

SIGRIST ET AL.

**Examiner**

JENNIFER A. CHRISS

**Art Unit**

1794

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4, 5, 14 - 21, 25, 32, 33, 34, 37, 52, 53, 59 and 60 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2, 4, 5, 14 - 21, 25 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33, 34, 37, 52, 53, 59 and 60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/29/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Applicant's Remarks and Replacement Drawings, filed May 29, 2008, have been entered and have been carefully considered. Claims 1, 2, 4, 5, 14 – 21, 25, 32, 33, 34, 37, 52, 53 59 and 60 are pending, claims 1, 2, 4, 5, 14 – 21, 25 and 32 are withdrawn and claims 33, 34, 37, 52, 53, 59 and 60 are under examination at this time. Upon further consideration and in view of Applicant's arguments, the Examiner has withdrawn the rejection of claims 37, 52, 53, & 60 under 35 U.S.C. 103(a) as being unpatentable over Sigrist et al. {Sigrist} (*JPP*) in view of Mooradian et al. et al. {Mooradian et al.} (US 5853744 A) as detailed in the Office Action dated January 30, 2008. The invention as currently claimed is not found to be patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Drawings***

3. The drawings were received on May 29, 2008. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 102***

4. Claims 33, 34, & 59 remain rejected under 35 U.S.C. 102(b) as being anticipated by Sigrist et al. {Sigrist} (*JPP*). The details of the rejection can be found in the Office Action dated January 30, 2008. The rejection is maintained.

5. Claims 33, 34, 37, 52, 53, 59, & 60 remain rejected under 35 U.S.C. 102(b) as being anticipated by Mooradian et al. et al. {Mooradian et al.} (US 5853744 A). The details of the rejection can be found in the Office Action dated January 30, 2008. The rejection is maintained.

### ***Response to Arguments***

6. Applicant's arguments filed May 29, 2008 have been fully considered but they are not persuasive.

7. Applicant argues that the yarn or textile product as recited in the claims does not refer to the glass microfibers used in the Sigrist et al. reference or the fibrous substrate as discussed in the Mooradian et al. reference. Applicant indicates that the Specification defines a textile product as including a cloth or a fabric, particularly any woven material, and a yarn product as including any spun thread. Contrary to Applicant's assertion, the Specification does not limit the textile product to a cloth or fabric, particularly a woven material, or the yarn product to a spun thread. The Specification only provides embodiments of a textile product or a yarn product by stating "the term 'textile product' is used herein to **include** any cloth or fabric, particularly any woven material" and "the term 'yarn product' is used herein to **include** any spun thread". The statements do not limit a "textile product" or "yarn product" to those configurations but only list those as materials that are encompassed by "textile product" and "yarn product". According to Complete Textile Glossary by Celanese Acetate, a "yarn" is defined as "a generic term

for a continuous strand of textile fibers, filaments or material in a form suitable for knitting, weaving, or otherwise intertwining to form a textile fabric. Yarn occurs in the following forms: (1) a number of fibers twisted together (spun yarn), (2) a number of filaments laid together without twist, (3) A number of filaments laid together with a degree of twist, (4) a single filament with or without twist or (5) a narrow strip of material, such as paper, plastic film, or metal foil, with or without twist intended for use in a textile construction. Additionally, Complete Textile Glossary by Celanese Acetate, a "textile" is defined as "originally, a woven fabric, now applied to generally any one of the following: (1) staple fibers and filaments suitable for conversion to or use as yarns or the preparation of woven, knit or nonwoven fabrics, (2) yarns made from natural or manufactured fibers, (3) fabrics and other manufactured products made from fibers as defined above and from yarns or (4) garments and other articles fabricated from fibers, yarns or fabrics when the products retain the characteristic flexibility and drape of the original fiber or filaments". According to Complete Textile Glossary by Celanese Acetate, "textile materials" is "a general term for fibers, yarn intermediates, yarn, fabrics and products made from fabrics that retain more or less completely the strength, flexibility and other typical properties of the original fiber or filaments". As evidenced by the definitions above, the claimed limitation of "a yarn or textile product" is broad and would encompass a glass microfiber or a glass filter paper as taught by Sigrist et al. as a glass microfiber can be considered to be "a single filament with or without twist" or "a staple fiber or filament suitable for conversion into or use as yarns" and the glass filter paper is encompassed by "fabrics and other manufactured products made from fibers

as defined above and from yarns" or "garments and other articles fabricated from fibers, yarns or fabrics...". The Examiner submits that the glass microfiber and the glass filter paper are well within the scope of the broadest reasonable interpretation of "a yarn or textile" consistent with the Specification. Likewise, the Mooradian et al.'s fibrous substrate, or as Applicant has stated in his arguments Mooradian et al.'s fibers, would be encompassed by "a yarn or textile product".

8. Applicant argues that Mooradian et al.'s "smoothly cleavable protecting group" for removal of a protecting group during chemical peptide synthesis is different from the instant invention where the linker molecular comprises a cleavage site which is a target for a hydrolytic enzyme to allow enzyme-induced or bio-system-induced release of the non-linker molecule. While not conceding that the removal of the protecting group of Mooradian et al. is only chemically directed, the Examiner submits that the claims only require that linker molecule is only capable of having enzyme-induced or biosystem-induced release of the non-linker molecule. The claims do not positively recite that the cleaving is done by a hydrolytic enzyme.

9. In regards to the obviousness rejection of claims 37, 52, 53 and 60 as being unpatentable over Sigrist et al. in view of Mooradian et al. et al., Applicant's arguments are persuasive as a proper case of obviousness was not established and as a result the rejection is withdrawn.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JENNIFER A. CHRISS** whose telephone number is (571)272-7783. The examiner can normally be reached on Monday - Friday, 8:30 a.m. - 6 p.m., first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A Chriss/  
Examiner, Art Unit 1794

/J. A. C./  
Examiner, Art Unit 1794